

## Remarks

In this Response, claims 1 - 21 have been amended and claims 22 – 26 have been added. Support for these amendments and added claims is found throughout the originally submitted application. No new matter has been added.

Claims 1-26 are pending.

## Introductory Remarks

Claim amendments presented herein are relative to the claim set originally provided in a continued prosecution application filed on September 11, 2002 (hereinafter "CPA"). The CPA was also provided to the Examiner on 7/12/06 as evidence of its original filing in order to overcome a finding of abandonment. Through a miscommunication, the claims of the CPA were examined and not the claims that were submitted through a preliminary amendment filed on June 11, 2003 (hereinafter "Preliminary Amendment"), as was the Applicant's original intent. Attached please find a copy of the date-stamped postcard indicating timely receipt of the Preliminary Amendment (and payment for the additional claims added through the Preliminary Amendment) by the OIPE. The Examiner suggested, and the Applicants herein present, an RCE in order for these claims to be examined. It is the Applicant's belief that the costs for the additional five dependent claims has already been paid with respect to the Preliminary Amendment. Accordingly, no additional claims fees are paid at this time. If, however, payment is required in this instance (and a corresponding credit applied for previous payments) the Commissioner is given authorization to charge shortages as indicated below.

## 35 USC § 112 Rejections

In the Office Action, amended claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has identified insufficient antecedent basis with respect to "the information signal." The

Applicants have presented amendments to correct for this insufficient antecedent basis and, therefore, request that the Examiner withdraw this rejection.

Claims 12 – 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner states that the limitation “wherein the first pseudo noise code of the first codebook corresponds to the value of the first information signal” does not have support in the specification as originally filed. The Applicants traverse this statement.

Figures 3 and 4 and the accompanying description make it clear that the pseudo noise codes may correspond to values of information signals. Consider, for example, Figure 3 and the description on page 6, lines 20 – 22. This portion of the specification makes it clear that because codebook #1 has four rows, i.e., four pseudo noise codes, codebook #1 is capable of representing a two-bit information signal, which can represent four values (e.g., values 0 – 3). For example, the first pseudo noise code may correspond to a value of a first information signal (e.g. information signal = 00b and value = 0); the second pseudo noise code may correspond to a value of a second information signal (e.g., information signal = 01b and value = 1); the third pseudo noise code may correspond to a value of a third information signal (e.g., information signal = 10b and value = 2); and the fourth pseudo noise code may correspond to a value of a fourth information signal (e.g., information signal = 11b and value = 3). The examples elaborated in Figure 4 further describe these scenarios. Therefore, the language “the first pseudo noise code of the first codebook corresponds to a value of the first information signal” in the claims is sufficiently described in at least these portions of the specification.

For these reasons, the Applicants respectfully request that the Examiner withdraw this rejection of these claims.

### 35 USC § 103 Rejections

In the Office Action, claims 1, 3, 5-6, 8, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (US 5,432,814) (hereinafter “Hasegawa”).

Claim 1, as amended, recites in part "assigning a first codebook (having at least two spreading codes) to a first user." This assignment of a codebook to a user allows the information capacity of a transmitted signal to be increased over conventional direct sequence spread spectrum techniques. See, for example, Figures 2(a) and 2(b) of the specification.

Hasegawa is an example of a conventional direct sequence spread spectrum technique which fails to teach said assignment of a codebook to a user. Furthermore, the other patents, which were cited but not relied upon, also fail to teach assigning a codebook (having at least two spreading codes) to a user. Accordingly, claim 1, as a whole, would not be obvious to a person of ordinary skill in the art in light Hasegawa.

Claims 3, 5 – 6, 8, and 10 -11 depend on claim 1 and are patentable for at least the same reasons.

For at least these reasons the Applicant respectfully requests that the Examiner withdraw this rejection of these claims.

#### Allowable subject matter

In the Office Action claims 2, 4, 7 and 9 are objected to but would be allowable if rewritten to overcome the objections and rewritten in independent form. The Applicants thank Examiner for recognition of allowable subject matter. Due to the reasons given above with respect the patentability of the underlying claims, the Applicants respectfully request that these claims are in patentable form and therefore request withdrawal of these remaining objections.

#### New Claims

Claims 22 – 26 have been added. These claims depend directly or indirectly from claim 1 and are patentable for at least the reasons given above.

Conclusion

The Applicants respectfully submit that the above claims present patentable subject matter and therefore request early issuance of Notice of Allowance.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Should there be any lingering questions, the Applicants invite the Examiner to call the undersigned to have the questions resolved to allow the subject application to expeditiously pass to issuance.

Schwabe, Williamson & Wyatt, P.C.

Dated: 02/21/2007

Pacwest Center, Suite 1900  
1211 SW Fifth Avenue  
Portland, Oregon 97204  
Telephone: 503-222-9981



Nathan R. Maki, Reg. No. 51,110